



Winston H. Hickox
*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights

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Gray Davis
Governor

ORDER

Application 24324 Permit 16635 License 11022

ORDER CORRECTING THE DESCRIPTION OF THE POINT OF DIVERSION

WHEREAS:

1. License 11022 was issued to John Rossi and Emil Rossi on May 14, 1980, and was recorded with the County Recorder of Mendocino County in Book 1260, Page 540 on May 30, 1980.
2. A water rights compliance inspection conducted by the Division of Water Rights on March 17, 1999, found that the description of the point of diversion in the license is incorrect.
3. The State Water Resources Control Board has determined that the correction to the description of the point of diversion does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The license term for the continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.
5. The Navarro River watershed contains fish, wildlife, and plant species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. Therefore, a term to prevent a taking of a threatened or endangered species is being added to this license.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion be described as follows:

By California Coordinates, Zone 2, North 491,881 and East 1,615,215, being within SE ¼ of SW ¼ of Section 1, T13N, R14W, MDB&M.

2. The continuing authority condition, shall be updated and read as follows:

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.


The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

3. The addition of condition to protect endangered species as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain an incidental take permit prior to construction or operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Dated: **JUN 8 1999**


for Harry M. Schueller, Chief
Division of Water Rights

LLINDSAY:lvalin 5/26/99
a:\a24324 change order

THE BOARD OF WATER RESOURCES CONTROL HAS REVIEWED THE APPLICATION FOR A LICENSE TO DIVERT AND USE WATER FROM AN UNNAMED STREAM IN MENDOCINO COUNTY, CALIFORNIA. THE BOARD HAS DETERMINED THAT THE APPLICATION IS IN ACCORDANCE WITH THE WATER RESOURCES CONTROL ACT, CHAPTER 106, DIVISION 1, AND THE REGULATIONS OF THE BOARD. THE BOARD HAS GRANTED THE LICENSE TO DIVERT AND USE WATER FROM AN UNNAMED STREAM IN MENDOCINO COUNTY, CALIFORNIA, FOR THE PURPOSE OF STOCKWATERING AND RECREATIONAL USES. THE LICENSE IS VALID FOR A TERM OF FIVE YEARS, COMMENCING ON THE DATE OF THE BOARD'S ORDER. THE LICENSEE SHALL BE REQUIRED TO FURNISH ANNUAL REPORTS TO THE BOARD, AND TO MAINTAIN THE WATER RESOURCES CONTROL BOARD'S RECORDS. THE LICENSEE SHALL BE REQUIRED TO MAINTAIN THE WATER RESOURCES CONTROL BOARD'S RECORDS. THE LICENSEE SHALL BE REQUIRED TO MAINTAIN THE WATER RESOURCES CONTROL BOARD'S RECORDS.



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 24324

PERMIT 16635

LICENSE 11022

THIS IS TO CERTIFY, That

JOHN ROSSI AND EMIL ROSSI
P. O. BOX 248, BOONVILLE, CALIFORNIA 95415

HAVE made proof as of AUGUST 16, 1978 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED STREAM IN MENDOCINO COUNTY

tributary to ANDERSON CREEK THENCE NAVARRO RIVER

for the purpose of STOCKWATERING AND RECREATIONAL USES
under Permit 16635 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from MARCH 15, 1973 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed THREE (3.0) ACRE-Feet PER ANNUM, TO BE COLLECTED FROM
DECEMBER 1 OF EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR.

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE
SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSES.

AFTER THE INITIAL FILLING OF THE RESERVOIR, LICENSEE'S RIGHT UNDER THIS
LICENSE EXTENDS ONLY TO WATER NECESSARY TO KEEP THE STORAGE RESERVOIR FULL BY
REPLACING WATER BENEFICIALLY USED AND WATER LOST BY EVAPORATION AND SEEPAGE,
AND TO REFILL IF EMPTIED FOR NECESSARY MAINTENANCE OR REPAIR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 1,302 FEET AND EAST 1,563 FEET FROM SW CORNER OF SECTION 1, T13N, R14W, MDB&
BEING WITHIN SE1/4 OF SW1/4 OF SAID SECTION 1.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

STOCKWATERING AND RECREATIONAL USES AT RESERVOIR WITHIN SE1/4 OF SW1/4 OF

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Section 100 all rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree